

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS

No. 06-143V

Filed: June 29, 2007

NOT FOR PUBLICATION

TANGELA HAIRSTON-REEVES, as *
Parent of and Legal Representative of the *
Estate of JOSHUA HAIRSTON, *
deceased, *

Petitioner,

V.

SECRETARY OF THE DEPARTMENT *
OF HEALTH AND HUMAN SERVICES, *

Respondent. *

Entitlement Conceded; Anaphylactic
Reaction; Statutory Award for Death
Cases

Ronald Homer, Conway, Homer, and Chin-Caplan, Boston, MD, for Petitioner.

Nathaniel McGovern, United States Department of Justice, Washington, D.C., for Respondent.

DECISION¹

GOLKIEWICZ, Chief Special Master

Petitioner, Tangela Hairston-Reeves, filed her petition for compensation under the Vaccine Compensation Program² (“the Act” or “the Program”) on behalf of the estate of her

¹ Because this decision contains a reasoned explanation for the undersigned’s action in this case, the undersigned intends to post this decision on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction “of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Vaccine Rule 18(b). Otherwise, “the entire” decision will be available to the public. Id.

² The National Vaccine Injury Compensation Program comprises Part 2 of the National Childhood Vaccine
(continued...)

deceased son, Joshua Hairston. The petition alleges that as a result of receiving the Prevnar; Hemophilus influenzae type b (“Hib”); and Pediarix vaccinations on August 26, 2004, Joshua died on August 27, 2004. Petition (Pet.) at 1.

On June 8, 2007, respondent filed his Rule 4(c) Report conceding entitlement to compensation and recommended petitioner be compensated pursuant to 42 U.S.C. § 300aa-15(a)(2). Respondent’s Report (R. Report) at 1, 5. Respondent conceded entitlement after medical personal of the Department of Health and Human Services, Division of Vaccine Injury Compensation (DVIC) reviewed the facts of this case, the medical records and autopsy slides, and other accompanying documents and concluded that Joshua’s death on August 27, 2004 was more likely than not the result of an anaphylactic reaction to the vaccinations he received on August 26, 2004. R. Report at 4.

On June 26, 2007, petitioner filed the letter appointing her as administrator of the estate of Joshua Hairston. See Petitioner’s Exhibit 21. With that filing, petitioner has met all jurisdictional prerequisites to an award under the Vaccine Act. Accordingly, in the absence of a motion for review the Clerk shall enter judgment awarding petitioner the statutory death benefit of \$250,000.00.³

IT IS SO ORDERED.

s/Gary J. Golkiewicz
Gary J. Golkiewicz
Chief Special Master

(...continued)

Injury Act of 1986, Pub L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C.A. §§ 300aa-10 et seq. (West 1991 & Supp. 2002) (“Vaccine Act” or the “Act”). Hereinafter, individual section references will be to 42 U.S.C.A. § 300aa of the Vaccine Act.

³Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.